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6 Attorneys for Defendant  
7 HOT JEWELRY AUCTIONS.COM d/b/a JEWELRY  
OVERSTOCK AUCTIONS and PARAMOUNT  
8 AUCTIONS

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 MICHELE MAZUR, individually and for all  
others similarly situated,

13 Plaintiff,

14 vs.

15 EBAY, INC., HOT JEWELRY  
16 AUCTIONS.COM d/b/a JEWELRY  
OVERSTOCK AUCTIONS, HOT JEWELRY  
17 AUCTIONS.COM d/b/a PARAMOUNT  
AUCTIONS, and DOES 1-100, inclusive,

18 Defendants.  
19

Case No. C 07 3967 MHP

DECLARATION OF CATHY A. HONGOLA  
IN SUPPORT OF DEFENDANT HOT  
AUCTION JEWELRY.COM'S REPLY IN  
SUPPORT OF ITS MOTION TO STAY  
PENDING ARBITRATION AND ITS  
OPPOSITION TO PLAINTIFF'S MOTION TO  
STRIKE

Date: January 14, 2008  
Time: 2:00 p.m.  
Ctrm: 15  
Judge: Hon. Marilyn Hall Patel

1 I, Cathy A. Hongola, declare as follows:

2 1. I am an associate at the law firm of Allen, Matkins, Leck, Gamble Mallory &  
3 Natsis LLP, counsel of record for Defendant Hot Jewelry Auctions.com d/b/a Jewelry Overstock  
4 Auctions and Paramount Auctions ("HJA"). I am a member in good standing of the State Bar of  
5 California and have been admitted to practice before this Court. I have personal knowledge of the  
6 facts set forth in this Declaration and, if called as a witness, could and would testify competently  
7 to such facts under oath.

8 2. Submitted herewith, marked Exhibit A, and made a part hereof are true and correct  
9 copies of screen shots of HJA's complete Terms and Conditions for a Jewelry Overstock Auctions  
10 ("JOA") auction obtained on December 18, 2007 from eBay's website at:  
11 [http://cgi4.liveauctions.ebay.com/ws/eBayISAPI.dll?LASignUp&itemid=190176768805&LASign](http://cgi4.liveauctions.ebay.com/ws/eBayISAPI.dll?LASignUp&itemid=190176768805&LASignUp=&catalogid=23287&mode=0&guest=1)  
12 [Up=&catalogid=23287&mode=0&guest=1](http://cgi4.liveauctions.ebay.com/ws/eBayISAPI.dll?LASignUp&itemid=190176768805&LASignUp=&catalogid=23287&mode=0&guest=1).

13 3. Submitted herewith, marked Exhibit B, and made a part hereof is a true and correct  
14 copy of HJA's Terms and Conditions for a JOA auction printed from eBay's website on December  
15 18, 2007 at:  
16 [http://cgi4.liveauctions.ebay.com/ws/eBayISAPI.dll?LASignUp&itemid=190176768805&LASign](http://cgi4.liveauctions.ebay.com/ws/eBayISAPI.dll?LASignUp&itemid=190176768805&LASignUp=&catalogid=23287&mode=0&guest=1)  
17 [Up=&catalogid=23287&mode=0&guest=1](http://cgi4.liveauctions.ebay.com/ws/eBayISAPI.dll?LASignUp&itemid=190176768805&LASignUp=&catalogid=23287&mode=0&guest=1).

18 4. Submitted herewith, marked Exhibit C, and made a part hereof is a true and correct  
19 copy of the American Arbitration Association's ("AAA") Commercial Arbitration Rules and  
20 Mediation Procedures obtained on December 17, 2007 from AAA's website at:  
21 <http://adr.org/sp.asp?id=22440>.

22  
23 I declare under penalty of perjury under the laws of the United States of America that the  
24 foregoing is true and correct.

25 Executed on December 19, 2007, at San Francisco, California.

26 /s/ Cathy A. Hongola  
27 Cathy A. Hongola  
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